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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BRUCE RAMOS, an individual,

Plaintiff,

v.

MERCK & CO., INC., a New Jersey
Corporation; MERCK SHARP & DOHME
CORP. a New Jersey Corporation;
ORGANON & CO., a Delaware Corporation;
ORGANON LLC, a Delaware Limited
Liability Company; and DOES 1-10,
Inclusive,

Defendants.

LAURA WYLIE, an individual,

Plaintiff,

v.

MERCK & CO., INC., a New Jersey
Corporation; MERCK SHARP & DOHME
CORP., a New Jersey Corporation;
ORGANON & CO., a Delaware Corporation;
ORGANON LLC, a Delaware Limited
Liability Company; and DOES 1-10,
Inclusive,

Defendants.

Case No. 1:22-cv-00430-DAD-EPG

**NOTICE OF ADDITIONAL RELATED
CIVIL CASES**

The Hon. Dale A. Drozd

Case No. 2:22-cv-00604-DAD-EPG

The Hon. Dale A. Drozd

1 LYNETTE EDWARDS, an individual, and
2 MELISSA ROYSTON, an individual,

3 Plaintiffs,

4 v.

5 MERCK & CO., INC., a New Jersey
6 Corporation; MERCK SHARP & DOHME
7 CORP. a New Jersey Corporation;
8 ORGANON & CO., a Delaware Corporation;
9 ORGANON LLC, a Delaware Limited
Liability Company; and DOES 1-10,
Inclusive,

10 Defendants.

Case No. 1:22-cv-00433-DAD-EPG

The Hon. Dale A. Drozd

11 AMBER HOBBS, an individual,

12 Plaintiff,

13 v.

14 MERCK & CO., INC., a New Jersey
15 Corporation; MERCK SHARP & DOHME
16 CORP., a New Jersey Corporation;
17 ORGANON & CO., a Delaware Corporation;
18 ORGANON LLC, a Delaware Limited
Liability Company; and DOES 1-10,
Inclusive,

19 Defendants.

Case No. 2:22-cv-00662-DAD-EPG

The Hon. Dale A. Drozd

20 SHERRY WALLACE, an individual,

21 Plaintiff,

22 v.

23 MERCK & CO., INC., a New Jersey
24 Corporation; MERCK SHARP & DOHME
25 CORP., a New Jersey Corporation;
26 ORGANON & CO., a Delaware Corporation;
27 ORGANON LLC, a Delaware Limited
Liability Company; and DOES 1-10,
Inclusive,

28 Defendants.

Case No. 1:22-cv-00607-JLT-SAB

The Hon. Jennifer L. Thurston

1 KAROLINA CHRISTENSEN, an individual,

2 Plaintiff,

3 v.

4 MERCK & CO., INC., a New Jersey
5 Corporation; MERCK SHARP & DOHME
6 CORP., a New Jersey Corporation;
7 ORGANON & CO., a Delaware Corporation;
8 ORGANON LLC, a Delaware Limited
9 Liability Company; and DOES 1-10,
10 Inclusive,

11 Defendants.

Case No. 2:22-cv-00868-KJM-JDP

The Hon. Kimberly J. Mueller

1 TO THE HONORABLE COURT, ALL PARTIES AND THEIR RESPECTIVE
2 COUNSEL OF RECORD HEREIN:

3 By order dated April 22, 2022, the Court ordered the following three cases related to
4 *Ramos v. Merck & Co., Inc.*, et al., 1:22-cv-00430-DAD-EPG pursuant to Local Rule 123(a) and
5 reassigned the cases to the Honorable District Judge Dale A. Drozd and Magistrate Judge Erica P.
6 Grosjean: (1) *Wylie v. Merck & Co., Inc.*, et al., E.D. Cal. Case No. 2:22-cv-00604-DAD-EPG; (2)
7 *Hobbs v. Merck & Co., Inc.* et al., E.D. Cal. Case No. 2:22-cv-00662-DAD-EPG; and (3)
8 *Edwards, et al. v. Merck & Co., Inc.*, et al., E.D. Cal. Case No. 1:22-cv-00433-DAD-EPG. (*See*,
9 e.g., *Edwards* ECF No. 9.)

10 Notice is hereby given by Plaintiffs in the above-captioned cases, by and through the
11 undersigned counsel, of the following two additional related civil cases pursuant to Federal Rule
12 of Civil Procedure 83 and Eastern District of California Local Rule 123: (1) *Wallace v. Merck &*
13 *Co., Inc.*, et al., E.D. Cal. Case No. 1:22-cv-00607-JLT-SAB (removed May 20, 2022); and (2)
14 *Christensen v. Merck & Co., Inc.*, et al., E.D. Cal. Case No. 2:22-cv-00868-KJM-JDP (also
15 removed May 20, 2022).

16 **I. THESE CASES INVOLVE THE SAME DEFENDANTS AND ALLEGE THE SAME**
17 **OR SIMILAR CLAIMS.**

18 The Plaintiffs' civil complaints for damages all allege the same six causes of action against
19 the same four Defendants, arising from Plaintiffs' use of a prescription pharmaceutical medication,
20 Singulair (with active ingredient motelukast): (1) Strict Liability – Design Defect; (2) Strict
21 Liability – Failure to Warn; (3) Negligence; (4) Negligent Misrepresentation; (5) Breach of
22 Express Warranty; and (6) Breach of Implied Warranty. Plaintiffs in the six related cases are
23 represented by the same co-counsel. All six complaints were recently filed in California state
24 courts and removed to federal court by Defendants, who are also represented by the same counsel
25 of record (Venable LLP and King & Spalding LLP). The Court already determined that *Ramos*,
26 *Wylie*, *Hobbs*, and *Edwards* cases are related within the meaning of Local Rule 123(a)(1). So, too,
27 should the Court determine that the *Wallace* case and *Christensen* case are related because these
28 cases involve the same defendants and are based on the same or similar claims.

1 **II. THE CASES INVOLVE SIMILAR QUESTIONS OF FACT AND THE SAME**
2 **QUESTIONS OF LAW, SUCH THAT ASSIGNMENT TO ONE JUDICIAL**
3 **OFFICER WILL SERVE JUDICIAL ECONOMY AND AVOID DISPARATE**
4 **RULINGS AND RESULTS.**

5 The six cases are related within the meaning of Local Rule 123(a)(3), because the cases
6 will call for determination of similar questions of fact and the same questions of law. The cases
7 will involve common factual issues including knowledge of adverse neuropsychiatric events and
8 the FDA's issuance of a requirement on March 4, 2020 to provide a "blackbox" warning on the
9 drug label regarding neuropsychiatric events, and a new medication guide. Moreover, counsel for
10 Defendants have filed motions to dismiss challenging personal jurisdiction in the four cases
11 already deemed related, which Plaintiffs have opposed, and will likely do so again in the *Wallace*
12 and *Christensen* cases. Defendants will likely assert other same or similar defenses to the cases.
13 As such, Plaintiffs contend these cases will present the same or substantially similar questions of
14 law and fact.

15 Moreover, because the cases involve similar questions of fact and the same questions of
16 law, assignment of the cases to the same judicial officer would not only serve the interests of
17 judicial economy, but would avoid potentially disparate rulings and results across similar cases,
18 within the meaning of Local Rule 123(a)(3). Doing so would also avoid inconsistent rulings on
19 forthcoming motions to dismiss and other motions practice.

20 **III. IF HEARD BY DIFFERENT JUDICIAL OFFICERS, THE CASES MAY INVOLVE**
21 **SUBSTANTIAL DUPLICATION OF LABOR FOR OTHER REASONS.**

22 Presently, the four cases previously ordered related are pending before District Judge
23 Drozd and Magistrate Judge Grosjean. The recently removed *Wallace* case is currently assigned to
24 District Judge Thurston and Magistrate Judge Stanley A. Boone. The recently removed
25 *Christensen* case is currently assigned to Chief District Judge Kimberly J. Mueller and Magistrate
26 Judge Jeremy D. Peterson. Assignment of the six related cases to different judicial officers would
27 likely entail substantial duplication of labor, within the meaning of Local Rule 123(a)(4), because
28 the legal and factual issues overlap across the cases. There will likely be similar discovery,
discovery issues, and motions practice on the same or substantially similar issues. Moreover,
instead of holding six separate case management conferences or discovery conferences, one

1 conference could be held across the six cases before one judicial officer, thereby alleviating
2 unnecessary burdens on the Court and its staff in case management and resolution of discovery
3 disputes. Therefore, the two newly-removed, related cases, *Wallace* and *Christensen* should be re-
4 assigned to District Judge Drozd and Magistrate Judge Grosjean.

5 **IV. CONCLUSION**

6 For these reasons, the *Wallace* and *Christensen* cases should be deemed related to *Ramos*,
7 *Wylie*, *Hobbs*, and *Edwards*, and reassigned to District Judge Drozd and Magistrate Judge
8 Grosjean pursuant to Local Rule 123.

9
10 DATED: May 24, 2022

BOUCHER LLP

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12 By: /s/ Shehnaz M. Bhujwala

13 SHEHNAZ M. BHUJWALA

14 Attorneys for Plaintiffs
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